

Remarks

Claims 1-5, 7-9, 11 and 12 are pending in this application.

The examiner is requested to favorably reconsider the rejection of claims 4-5 and 7-11 under 35 U.S.C. 112, second paragraph, in view of the foregoing amendment. Claims 4 and 5 now find antecedent basis in claim 1. Claim 7 finds adequate antecedence in claim 12. Claims 7 and 9-11 are now properly dependent upon claim 12.

The examiner is requested to favorably reconsider the rejection of claims 7-9 and 11-12 under 35 U.S.C. 102(b), as being anticipated, in view of the foregoing amendment. The novel features of claim 10 are now incorporated into claim 12. Thus, the claims are not anticipated by the cited prior art.

Claims 1-5 and 10 stand rejected under 35 U.S.C. 103(a) as being obvious in view of Dabal et al. considered in view of Blanding et al. This rejection is traversed. Firstly, it has to be emphasized that the Examiner's primary reference DABAL is concerned with a completely different method of manufacturing tablets. Contrary to the Examiner's construction, DABAL does not teach the production of tablets by "melt extrusion". Rather, according to DABAL, tablets are formed by deposition of active ingredients on a solid flat web and subsequently forming tablets from the loaded web whereby the active ingredient is "internalised", i.e., surrounded by web material which does not contain any active ingredients (column 19, lines 10-23 of DABAL). Melt extrusion is only mentioned as one of many possible processes for manufacturing a suitable flat web in columns 9 and 10.

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DABAL is clearly structured by several headlines. Melt extrusion is only briefly mentioned in the section "THE WEB" but is not mentioned at all in the section "FABRICATION" which is concerned with tablet forming.

The amended wording of claims 1 and 12 should make this difference more clear.

Secondly, in DABAL, the individual tablets formed may still be connected by web material. Said web material does not, however, contain any active ingredients. Contrary to the teaching of DABAL, the "product" webs formed according to the method of the present invention are indeed "product" webs, i.e., webs formed from the same initially extruded, pharmaceutically active ingredients containing material as the tablets, one skilled in the art would not consider to apply certain steps for singulating and deflashing known from DABAL in the tablet forming process of the present invention.

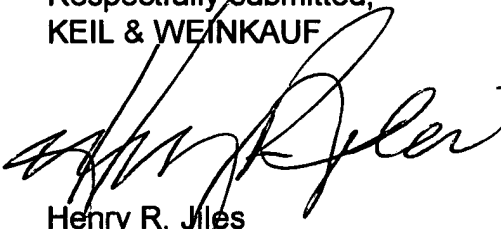
Lastly, the Examiner has already acknowledged that the cooling step of present claim 1 and hence the cooling means of amended claim 12 are not known from primary reference DABAL. However, the Examiner asserts that it would be suggested to a person skill in the art to employ a cooling step described in the secondary reference, Blanding et al., in the process of DABAL. The Examiner further contends that DABAL and BLANDING et al. are combinable because both allegedly relate to forming tablets by an extrusion method. However, as stated above, DABAL does not relate to tablet forming by an melt extrusion. Consequently, in the method of DABAL, there is no extruded melt to be cooled. Hence, there is no need for a cooling step after tablet formation. Further, BLANDING relates to forming of abrasive particles rather than tablets. As opposed to tablet formation, no deflashing is obviously foreseen in such methods of forming abrasive particles. Thus, a

person skilled in the art would not consider the teaching of BLANDING as being of any particular value in tablet forming processes. In point of fact, BLANDING has to be seen as representing art which is remote. Therefore, the instant claims are not rendered obvious by the cited prior art.

In view of the foregoing amendment and remarks, the applicants respectfully urge that the invention claimed herein is patentable and a Notice of Allowance is solicited.

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Henry R. Jiles", is written over the typed name and registration number.

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